

REMARKS

In the Office Action, the Examiner rejected all claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,697,944 to Jones et al. ("*Jones*") in view of U.S. Patent No. 7,055,034 to Levy ("*Levy*").

By the present amendment, Applicants amend claims 10, 11, 16, 17, 21, 22, and 26. Claims 10-26 remain pending.

I. Examiner Interview

Applicants thank the Examiner for granting the August 31, 2010, telephonic interview with Applicants' representative. During the interview, the Examiner and Applicants' representative discussed the claims and the cited references. No agreement was reached.

II. Rejected under § 103

Applicants respectfully traverse the rejection of claims 10-26 under 35 U.S.C. § 103(a) as being unpatentable over *Jones* and *Levy*.

Independent claim 10 recites a system for maintaining protection of digital content distributed for playback, including a computing platform configured to:

receive a playback command from a user to playback the digital content; . . .

receive encrypted digital content from the server; and

forward the encrypted digital content, without decrypting, to a communication link. (Emphasis added).

Jones and *Levy* fail to teach or suggest at least these features of claim 10.

In Figure 2, *Jones* illustrates a server 60 sending an encrypted audio file to a PC 64 via the Internet 62. *Jones*, col. 8, lines 50-58. PC 64 decrypts the encrypted audio file for playback, and then re-encrypts the audio file before sending to portable device 66. *Jones*, col. 10, lines 28-32.

Jones's PC 64 does not teach or suggest the claimed "computing platform" at least because it does not "forward the encrypted digital content, without decrypting," as recited in claim 10 (emphasis added). Indeed, *Jones* specifically discloses that PC 64 does decrypt the digital content before sending to portable device 66, and therefore, expressly teaches away from the claimed "forward[ing] . . . without decrypting."

Levy fails to remedy the deficiencies of *Jones*. *Levy* discloses an MP3 player requesting a song from a server, and sending its unique identifier with the request to the server. *Levy*, col. 2, lines 61-64. The server receives the request and encrypts the identifier. *Levy*, col. 2, lines 61-64. The server then embeds the encrypted identifier in the song to create combined data, and downloads the combined data to the MP3 player. *Levy*, col. 2, line 65 to col. 3, line 1. When the MP3 player receives the combined data, it extracts the identifier, and after verifying that the identifier corresponds to itself, plays the song. *Levy*, col. 3, lines 1-7.

There is no teaching or suggestions in *Levy*, however, of a computing platform configured to "forward the encrypted digital content, without decrypting, to a communication link," as recited in claim 10 (emphasis added).

During the interview, the Examiner also alleged that *Jones* and *Levy* could be combined to teach or suggest the claimed "computing platform." According to the Examiner, *Jones's* server 60 would send the encrypted MP3 to PC 64 via the Internet

62. *Jones*, col. 8, lines 50-58. Then *Jones*'s PC 64 would send the encrypted MP3 to *Levy*'s portable MP3 player. Applicants dispute that one or ordinary skill would have combined *Jones* and *Levy* in this way, and also dispute that such a proposed combination would teach or suggest the claimed "computing platform."

In particular, while *Jones* describes sending an encrypted MP3 file (*Jones*, col. 10, lines 9-39), *Levy* discloses sending an encrypted identifier with an unencrypted MP3 file. *Levy*, col. 2, line 61 to col. 3, line 7. Accordingly, even if *Jones* and *Levy* could be combined as proposed by the Examiner, which Applicants do not concede, *Jones*'s PC 64 would still need to decrypt the MP3 file before sending to *Levy*'s portable MP3 player. Indeed, there is no evidence that *Levy*'s portable MP3 player is even capable of decrypting an encrypted MP3 file. Accordingly, such a proposed combination still would not teach or suggest a computing platform configured to "forward the encrypted digital content, without decrypting, to a communication link," as recited in claim 10 (emphasis added).

For at least these reasons, *Jones* and *Levy*, taken alone or in combination, fail to teach or suggest the features of independent claim 10. Independent claims 16, 21, and 26 while of different scope than claim 10, distinguish over *Jones* and *Levy* for at least reasons similar to those noted above for claim 10. Claims 11-15, 17-20, and 22-25 distinguish over *Jones* and *Levy* at least due to their dependence from one of the independent claims, and the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

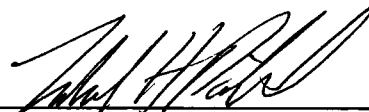
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 8, 2010

By: _____



Fahd Hussein Patel
Reg. No. 61,780
(202) 408-6072